

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

COMPONENTONE, L.L.C., a limited	)	
liability company of the Commonwealth of	)	
Pennsylvania, USA,	)	
	)	
Plaintiffs	)	
	)	
v.	)	02: 05cv1122
	)	
COMPONENTART, INC., a Canadian	)	
corporation; COMPONENTART	)	
HOLDINGS, INC., a Canadian corporation;	)	
CYBERAKT, INC., a Canadian corporation;	)	
Steve G. Rolufs, an adult individual; Miljan	)	
Braticevic, an adult individual; John Doe, an	)	
adult individual; Jane Doe, an adult	)	
individual; and Dusan Braticevic, an adult	)	
individual; jointly and severally liable,	)	
	)	
Defendants.	)	

**ORDER OF COURT**

Presently pending before the Court are the following:

- PLAINTIFF’S MOTION TO COMPEL PRODUCTION (*Document No. 62*);
- DEFENDANT’S CROSS-MOTION FOR PROTECTIVE ORDER

(*Document No. 65*), PLAINTIFF’S EMERGENCY RESPONSE TO DEFENDANT’S MOTION FOR PROTECTIVE ORDER (*Document No. 68*), and DEFENDANT’S REPLY TO PLAINTIFF’S EMERGENCY RESPONSE TO DEFENDANT’S CROSS-MOTION FOR PROTECTIVE ORDER (*Document No. 69*);

- DEFENDANT’S MEMORANDUM IN OPPOSITION TO PLAINTIFF’S MOTION TO COMPEL PRODUCTION AND IN SUPPORT OF ITS CROSS-MOTION FOR PROTECTIVE ORDER (*Document No. 66*) and

- DEFENDANT’S MOTION FOR LEAVE TO FILE CONFIDENTIAL  
REPLY BRIEF (*Document No. 72*).

The Court has examined the discovery-related thrusts and parries and is concerned that counsel or the parties, on one or both sides of this suit, may be taking positions that do not comply with either the letter or spirit of the Federal Rules of Civil Procedure or the Local Rules of Court regarding discovery. This Court will not allow the discovery process to be abused nor will it tolerate delay tactics by counsel for either party or by the parties themselves. If any counsel or party makes excessive demands or insufficient responses after this cautionary order by the Court, an order may be entered providing for sanctions and/or more stringent controls over discovery.

After due deliberation, the Court finds and rules as follows:

1. PLAINTIFF’S MOTION TO COMPEL PRODUCTION

Eighteen of the outstanding Requests for Production served upon Defendant ComponentArt, Inc., relate to the new “fraud allegation,” which is contained in the Amended Complaint, and request information pertaining to the stock ownership and corporate structure of the three “related entities,” as well as the former employment of Steve G. Rolufs, the Chief Executive Officer of ComponentArt, Inc. (Request Nos. 4, 9-14, 17-20, 24, 28, 30-32, 38 and 40). Defendant ComponentArt objects to these requests on the grounds that they are “irrelevant and not calculated to lead to the discovery of admissible evidence.” However, the newly filed Amended Complaint clearly alleges a claim for civil conspiracy against all Defendants which the Court finds now makes these requests relevant. Accordingly, Plaintiff’s Motion to Compel responses to Request For Production Nos. 4, 9-14, 17-20, 24, 28, 30-32, 38 and 40 is

**GRANTED.** Defendant is **ORDERED** to supplement its responses to Request For Production Nos. 4, 9-14, 17-20, 24, 28, 30-32, 38 and 40 on or before October 27, 2006.

As to Request for Production Nos. 1, 2, and 3, Defendant responds that it has already produced all non-privileged, responsive documents of which it is aware. Accordingly, Plaintiff's motion to compel responses to Request for Production Nos. 1, 2, and 3 is **DENIED**.

In Request for Production No. 16, Plaintiff seeks all written documents regarding training programs for employees. According to the Defendant's Responses, in a telephone conversation between counsel, Defendant's counsel informed Plaintiff's counsel that he believed the request was overly broad and unduly burdensome. Plaintiff's counsel indicated that he would narrow the request, but has not done so to date. Accordingly, Defendant has responded to this request as it was originally served. The Court finds and rules that Request for Production No. 16 as originally served is overly broad and unduly burdensome. Accordingly, Plaintiff's motion to compel response to Request for Production No. 16 is **DENIED**.

In Request for Production Nos. 22 and 23, Plaintiff seeks all documents "relating to the identity of Defendant's competition" and "all documents relating to the establishment of the criteria of what or who is Defendant's competition." Defendant has objected to these requests on the grounds that they are overly broad and burdensome and seek documents which are irrelevant. Defendant has admitted in response to Plaintiff's requests for admission that Plaintiff and Defendant are competitors and that their goods are competitive. Plaintiff has not shown why information regarding other competitors of Defendant is relevant; therefore, Plaintiff's motion to compel responses to Request for Production Nos. 22 and 23 is **DENIED**.

In Request for Production No. 25, Plaintiff requests all documents regarding the naming the “Charting” product. Defendant objects on the grounds of relevance and Plaintiff has not provided any information as to why this information is relevant. Without additional information, the Court is unable to make a determination as to the relevance of this particular request. Accordingly, Plaintiff’s motion to compel response to Request for Production No. 25 is **DENIED** without prejudice.

In Request for Production No. 39, Plaintiff requests “any and all domain name searches, trademark searches, including documents from any meeting regarding the same.” Defendant objects to the extent that the request relates to trademark searches outside the United States, as such documents are irrelevant and not calculated to lead to the discovery of admissible evidence. Defendant also responds that “all other non-privileged, responsive documents have been produced in response to Plaintiff’s earlier discovery requests.” The Court finds and rules that Defendant has properly objected to this request and, therefore, Plaintiff’s motion to compel response to Request for Production No. 39 is **DENIED**.

Lastly, Plaintiff’s request that the Court examine unredacted law firm invoices to “ensure that such invoices, where redacted, actually contain legal advice” is **DENIED**.

2. DEFENDANT’S CROSS-MOTION FOR PROTECTIVE ORDER

For the reasons fully explained *supra*, Defendant’s Cross-Motion for Protective Order is **DENIED**.

3. DEFENDANT'S MOTION FOR LEAVE TO FILE CONFIDENTIAL  
REPLY BRIEF

\_\_\_\_\_The Court finds and rules that there is no need for this additional filing. Defendant's position was set forth very clearly in its Memorandum in Opposition to Plaintiff's Motion to Compel Production. Accordingly, Defendant's Motion for Leave is **DENIED**.

BY THE COURT:

s/Terrence F. McVerry  
United States District Court Judge

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